

Idaho Criminal Justice Commission
Regular Meeting
September 25, 2020

Location:

Time: 8 a.m.–12 p.m.

Idaho Criminal Justice Commission Members Present:

Eric Fredericksen, Chair, SAPD	James Cawthon, Judge, District Court
Paul Wilde, Vice Chair, Idaho Sheriffs Association	Colleen Zahn, Idaho Attorney General's Office
Dan Hall, Chiefs of Police Association	Darren Simpson, Judge, District Court
Melissa Wintrow, House Jud, Rules & Admin	Greg Chaney, House Jud, Rules & Admin
Ashley Dowell, Comm of Pardons & Parole	Denton Darrington, Public Member
Lisa Bostaph, Public Member	Melinda Smyser, Office of Drug Policy

Monty Prow, IDJC
Darrell Bolz, Public Defense Commission
Seth Grigg, Idaho Association of Counties
Eric Studebaker, Department of Education

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

Idaho Criminal Justice Commission Members Absent:

Dave Jeppesen, Health & Welfare	Bart Davis, U.S. Attorney, District of Idaho
Grant Burgoyne, Senate Judiciary & Rules	Jared Larsen, Office of the Governor
Kedrick Wills, Idaho State Police	Tom Sullivan, Judge, Magistrate Court
Todd Lakey, Senate Judiciary & Rules	Josh Tewalt, Department of Correction
Margie Gonzalez, Comm. on Hispanic Affairs	Sara Omundson, Idaho Supreme Court
Grant Loeb, Prosecuting Attorneys Assoc.	

Others Present:

Kathleen Elliott, PDC
John Sevy, IDOC
Frank Zebari, U.S. Attorney, District of Idaho
Rachael Jefferies, Public Member for Lisa Bostaph
Jason Spillman, Administrative Office of the Courts

Agenda <i>Who's Responsible</i>		Meeting Outcomes/Decisions Reached	Due Date
8:00 am (10 min)	Call to Order— <i>Chair Eric Fredericksen</i> <ul style="list-style-type: none"> • Welcome and Roll Call— <i>Chair Eric Fredericksen</i> • Review Commission's Vision and Mission Statement and Values—<i>Commission Members</i> 	Welcome back Judge Cawthon.	
	Commission Management		
8:10 am (20 min)	Action Item – Approve July 2020 Minutes <u>Subcommittee Reports</u> <ul style="list-style-type: none"> • Human Trafficking • Mental Health • Research Alliance • Sex Offense 	There was a motion to approve the minutes from the July 2020 meeting by Darrell Bolz and Dan Hall seconded. Motion carried. Human Trafficking is looking at a couple of screeners from across the country. IDJC is looking at this first as a pilot. Research Alliance has not met but there have been a few individuals that have asked about a uniform definition of recidivism. This could be the next project. Sex Offense met for the first time and did a broad overview. The committee talked about the Adam Walsh act. The DOJ did a report on the requirements that Idaho is not doing. Possible legislation was discussed that may help Idaho come into compliance.	
	Promote Well-Informed Policy Decisions		
8:30 am (15 min)	Crisis Centers – <i>Ross Edmunds, Idaho Department of Health and Welfare</i>	There are six traditional centers, with a unique model in region 2. Region 2 offers 4 mini centers. The centers have been in place for about 5 years. Each one has a slightly different model that works for their communities. Every center was awarded about \$1.5M with an expectation that they receive full funding for two years but are required to submit a sustainability plan and funding will be reduced by 50% from the state. Local funding has proven difficult and haven't been able to sustain 50% of their budgets. The centers are Medicaid reimbursable but are not an inpatient facility. Individuals are only allowed to stay for 23hrs and 59 minutes. Often times individuals are discharged and readmitted at the end of the allowed time. The reimbursement is \$310 for a stay. Optum has increased their reimbursement for crises to \$360 per stay.	

	<p>The department is trying to make them sustainable. Region 3 and 6 are coming to their two-year mark and their funding will drop. The department is helping the centers organize better to utilize all funding at it best. The department is also looking at the center to possibly be a place where individuals can receive their medications. They are currently not distribution centers for medication.</p> <p>In July 2022 the contract with Optum will come to an end.</p> <p>The original intent of the centers was to reduce the level of mental holds. Law enforcement officers are able to drop individuals off at the centers instead of taking them to the jail facilities. The centers were also implemented to stop the revolving door at our hospital facilities.</p> <p>If the centers fail, there will be a big flood in our hospitals and in our jails. We now know that individuals know that the centers are available because they are taking themselves in. The trend of mental holds has not gone down but the increased growth rate has slowed. The effects of COVID are not helping.</p> <p>Current centers only allow services for adults. Idaho was in the Jeff D lawsuit because we had adults and children in the same facilities. The department is exploring crisis centers for children as it has been proven that that crisis respite setting is the best model for children and not in facilities and there is burnout in the crisis respite providers. There is a proposal to use juvenile detention centers as a place for children crisis centers. Early interaction with families is that the facility environment needs to be worked on.</p> <p>There has only been a couple of times that adolescents present to the current centers. They are not turned away. The centers usually pick up the phone to get a referral for that adolescent.</p> <p>Jerome is seeing a little over 60% of the mental health calls involving juveniles in crisis. It takes a bit of time to find a place for these juveniles.</p>	
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<p>8:45 am (30 min)</p>	<p>Clarke Study - <i>Lisa Bostaph</i></p>	<p>Volume 1, issue 1: The impact of the Clarke decision on policing's response to domestic violence.</p> <p>This group is doing surveys to find out what services are being provided across the state to victims and are also asking victims asking what services they were looking for and if they received them or not. Gaps in services are being determined. Surveys were delayed due to COVID, as LE was very busy.</p> <p>The Clarke decision made it unlawful for LE to make an arrest in misdemeanor cases without a warrant. 22 agency interviews were conducted that included representation from 31 different services agencies and 94 individuals.</p> <p>Most agencies were caught off guard by the decision of the Clarke decision. 81% were concerned on victim safety. The perception of domestic violence (DV) policies after the decision has changed but most were still pro-arrest and discretion.</p> <p>What were your perceived changes? 83% of victim service agencies mentioned a perceived decrease in arrest for misdemeanor DV compared to 13% of policing agencies. There was also a perceived decrease in referrals. These decreased could be due to when and how it is occurring.</p> <p>Official forms of policing response: telephonic warrants 30% outside of the treasure valley compared to 83% in the treasure valley. There are challenges for policing agencies responding to DV such as a lack of safety mechanisms.</p> <p>Policing agencies are now waiting for DV to become more violent. The violence will allow them to get the warrant for the arrest. They are afraid that there could be consequences if they use the felony arrest. The issue of what is considered detention is a concern as well. The lack of arrests is hurting the relationships between victims and policing agencies. Victims don't understand why there are less arrests due to the Clarke decision.</p>	

		<p>There are positive outcomes from this decision as well, including increased skills, new processes, and downstream outcomes such as improved connection to victim services or reduced jail overcrowding, and increased prosecutor prep time. The decision pointed out areas of training that needs improvement.</p> <p>Victim service agencies determined that safety planning and escape planning have a need for better training for victims with the changes due to the Clarke decision. The decision has also created barriers to victim services such as lack of staffing, suspect interference, delayed response time, and not enough resources.</p> <p>There are some recommendations for needed legislation. Investing in community-based victim services, invest in victim-witness units within policing agencies, and funding priority at the state level are areas that need to be reviewed for possible changes. State level funding would give flexibility that the federal funding does not. This will help cover gaps in services.</p> <p>Some recommendations that do not need legislation include use of on-scene assessment tools, mandate telephonic and electronic warrants, and institute telephonic and electronic emergency civil protection orders.</p>	
9:15 am (30 min)	Idaho Public Defense Commission – <i>Kathleen Elliott, Director</i>	<p>Last year the legislature established caseload standards and gave a budget increase. The PDC can expect to spend \$300,000 more each year because the needs are increasing. The budget has been cut a couple of times but the PDC has been cautious and the cuts have not hurt the counties.</p> <p>The PDC provides four kinds of funding to counties. They are in the forms of the local share, workload funding, merger/joint offices funding, and lastly a one-time award (30% of their local share amount). The counties are encouraged to use one time on a case management system. It needs to be used on time costs. Odyssey/Tyler cases management have not been affordable for the smaller counties. The PDC funded many attorneys but they haven't all been hired and so there has been some savings that was able to be utilized in other places. There has also been savings in the PDC's operational budget. This helped with keeping money in the hands of the counties when the budget cuts came.</p>	

		<p>The PDC has been working on the PD college. The last one was cancelled due to COVID but there is commitment from everyone to go virtual next year. National partners are helping make this happen. The biggest leadership training will also be done virtually.</p> <p>Webinars will also be utilized. The PDC has collaborated with Boise State to assess training needs. They are helping to design interactive webinars. Mentorships are not as available and so the other types of training are needed.</p> <p>The capital death penalty counsel roster is overseen by the PDC. There are more applicants as there was a change in the public records law. This has encouraged more to apply. There is a review subcommittee. This committee has attorneys that do not have capital cases while serving.</p> <p>The PDC is in the negotiated rule making process right now. They are working on independence from influence as well as parity. The PDC staff has worked hard to reduce the rules in adherence to the Red Tape Reduction Act.</p> <p>There is growing pressure on the state and counties. Good public defense is a must and data is needed to help with that.</p>	
9:45 am (15 min)	Other ICJC Business Strategic Plan – Melinda Smyser, Office of Drug Policy	This will be addressed at the next meeting.	
10:00 am	Adjournment		

Next regularly scheduled meeting to be held in Boise, Friday, October 30, 2020

“Collaborating for a Safer Idaho”